

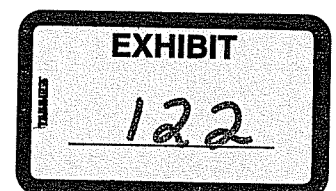
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT,) )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES) )  
FOR THE STATE OF OKLAHOMA, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 4:05-CV-00329-TCK-SAJ  
 )  
TYSON FOODS, INC., et al, )  
 )  
Defendants. )

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VOLUME I VIDEOTAPED DEPOSITION OF THOMAS C.  
GINN, produced as a witness on behalf of the State, in  
the above styled and numbered cause, taken on the 15th  
day of April 2009, in the City of Tulsa, County of  
Tulsa, State of Oklahoma, before me, Marlene Percefull,  
Certified Shorthand Reporter, duly certified under and  
by virtue of the laws of the State of Oklahoma.

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**918-587-2878**



1 Q I'm Kelly Burch. I represent the State of 9:12AM  
2 Oklahoma in this case. Could you state your name for  
3 the record?

4 A Yes. My name is Thomas C. Ginn.

5 Q And where are you employed? 9:12AM

6 A I'm employed with Exponent and my office address  
7 is 1040 East Park Ridge Drive, Sedona, Arizona.

8 Q I'm going to hand you what I'm going to mark as  
9 Exhibit 1 to your deposition, which I'll represent is a  
10 copy of your expert report in this case. Do you 9:12AM  
11 recognize that as your expert report in this case?

12 A Yes, I do.

13 Q Would you turn to Page 9-1 of the report? Is that  
14 your resumT?

15 A Yes, it is. 9:13AM

16 Q And I hate to do this to you, but are additional  
17 qualifications listed in your report at Page 3-1?

18 A Yes, there are.

19 Q Okay. On Page 3-1, it indicates that you received  
20 a Ph.D. in biology with a specialty in estuarine 9:14AM  
21 ecology from New York University in 1977, is that  
22 correct?

23 A Yes, it does.

24 Q What is estuarian ecology?

25 A Estuarian ecology is the relationship of organisms 9:14AM

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1 regard to whether it's metals or any other water 10:28AM  
2 quality standard, is it accurate to say that exceedance  
3 of water quality standards is an injury as defined by  
4 the NRDA regulations?

5 A I believe that the DOI rule specifies that an 10:28AM  
6 exceedance of a state standard would be a defined  
7 injury in the injury determination phase.

8 Q Okay. And an injury to natural resources?

9 A I think the way it's phrased it would be an injury  
10 to the particular resource that's considered. In other 10:28AM  
11 words, if there was an exceedance of a state water  
12 quality standard, then that would be an indication that  
13 there had been a defined injury to surface water, per  
14 se, but only surface water.

15 Q Okay. So let's take metals as an example. Metals 10:29AM  
16 standards are numeric criteria?

17 A Yes, they are.

18 Q Are they written to protect any particular use of  
19 surface water?

20 A The -- I'm not aware of all state standards, 10:29AM  
21 certainly, but the ones that I'm aware of I think are  
22 generally biologically based and they're usually  
23 determined by potential toxicity to aquatic organisms.

24 Q Would it be a numeric criteria to protect a fish  
25 and wildlife beneficial use? 10:30AM

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